

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

MARYLAND SHALL ISSUE, INC., *et al.*,

Plaintiffs

v.

MONTGOMERY COUNTY, MARYLAND

Defendant

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Case No.: 485899V

JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiffs, Maryland Shall Issue, Inc., et al., and Defendant Montgomery County, Maryland, by and through their undersigned counsel and pursuant to the Rules of this Court, respectfully request that this Court suspend (1) the July 20 deadline for filing a Pretrial Statement and (2) the July 28 Pretrial/Status Hearing for the following reasons:

1. On May 28, 2021, Plaintiffs filed a four-count Complaint in this Court, seeking declaratory and injunctive relief regarding County Bill 4-21, which made changes to Chapter 57 of the Montgomery County Code (“Weapons”). The law went into effect on July 16, 2021.

2. The Counts and declarations sought by Plaintiffs are as follows:

- Count I: the Bill is not a valid local law under Md. Const. Art. XI-A (the Home Rule Amendment);
- Count II: the Bill is preempted by and in conflict with State law;
- Count III: the Bill is an unconstitutional taking under Md. Const. art. III § 40 and Md. Decl. Rights art. 24;
- Count IV: the Bill violates due process because it is unconstitutionally vague under Md. Decl. Rights art. 24 and U.S. Const. 14th Amendment (the latter claim also seeks damages and attorney’s fees under 42 U.S.C. §§ 1983 and 1988, respectively).

3. On July 12, 2021, the County removed the Complaint to the United States District Court for the District of Maryland.

4. By Order dated February 7, 2022, the federal court granted, in part, Plaintiffs' Motion to Remand. The federal court remanded Counts I, II, and III to this Court while retaining, but holding in abeyance, Count IV pending resolution of the other claims in this Court.

5. The parties have filed cross-motions to dismiss and/or for summary judgment that will dispose of all pending claims. This Court has specially set the parties' cross-motions for a one-hour hearing on July 19, 2022.

6. This Court's February 25, 2022, Scheduling Order presently provides that the parties must file their Pretrial statement by July 20, 2022 and sets the Pretrial/Status Hearing for July 28, 2022.

7. Given the likelihood that this Court will grant one of the parties' dispositive motions, it would be an inefficient use of judicial resources to prepare Pretrial Statements and hold a Pretrial/Status conference. If, for some reason, the parties' joint motions do not resolve all pending claims, those matters can be rescheduled.

WHEREFORE, the parties respectfully requests that this Court suspend (1) the July 20 deadline for filing a Pretrial Statement and (2) the July 28 Pretrial/Status Hearing.

Respectfully submitted,

/s/ Mark W. Pennak
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of July 2022, a copy of the foregoing was electronically served through the MDEC to:

Mark W. Pennak
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mpennak@marylandshallissue.org

/s/ Edward B. Lattner
Edward B. Lattner, Chief
Division of Government Operations

modify scheduling order
21-003732

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Case No. 485899V

ORDER

UPON CONSIDERATION of the Joint Motion to Amend Scheduling Order, it is, by the
Circuit Court for Montgomery County, Maryland, on _____,

ORDERED, that the parties' Joint Motion is GRANTED; and it is further,

ORDERED, that the February 25, 2022, Scheduling Order is AMENDED; and it is further,

ORDERED, that (1) the July 20, 2022, deadline for filing a Pretrial Statement and (2) the
July 28 2022, Pretrial/Status Hearing are SUSPENDED.

JUDGE, Circuit Court for
Montgomery County, Maryland

cc: all parties of record